

REMARKS

In the Office Action of February 28, 2002 ("Office Action"), the Examiner rejected claims 2-6, 19, 20, 22-24, 26-27, 30-33, 35, 58-60, 64-68, 73, 75-77, 79-83, and 85-86 under 35 U.S.C. § 102(e) as being anticipated by Knowles et al., U.S. Patent No. 5,869,819, rejected claims 5-7 under 35 U.S.C. § 102(b) as being anticipated by Wellner, U.S. Patent No. 5,640,193, and rejected claims 8-18, 21, 25, 28-29, 34, 36-57, 61-63, 69-72, 74, 78, and 84 under 35 U.S.C. § 103(a) as being obvious in view of Knowles.

Knowles issued Feb. 9, 1999 on an application filed April 7, 1997 that claims priority, through a rather complex chain of continuation-in-part ancestors, to a patent that issued June 11, 1996 on an application filed August 19, 1994. 35 U.S.C. § 102(e) explicitly designates as prior art a patent, describing a later applicant's invention, granted on an application for patent by another filed in the United States before the later applicant's invention. Applicants' representative has included a Rule 131 Affidavit in which Applicants attest to an invention date no earlier than October 13, 1991. The Rule 131 Affidavit is supported by a dated design document, a dated implementation, and a number of supporting statements made by various witnesses. Applicants' representative can think of no reason, in view of the supplied Rule 131 Affidavit and supporting documents, that Knowles can be used as the basis for either a 35 U.S.C. § 102(e) rejection or a 35 U.S.C. § 103(a) obviousness-type rejection.

Wellner issued June 17, 1997 on an application filed August 15, 1994. The current application claims priority to June 7, 1995. June 7, 1995 is less than one year after the August 15, 1994 filing date of Wellner, and thus Wellner is not prior art under 35 U.S.C. § 102(b), since 35 U.S.C. § 102(b) designates as prior art a printed publication or issued patent that was published or issued more than one year prior to the date of an application. Moreover, Applicants' representative respectfully fails to understand the sole use of Wellner as the basis for rejection of three dependent claims. Wellner clearly cannot anticipate claim 1, from which claims 5-7 depend, because Wellner does not describe a hand-held device that performs the final two steps of claim 1, namely: "receiving the response from the server computer through the telecommunications link; and outputting the response via an output

component." Instead, Wellner's hand-held scanner merely transmits a signal (12 in Figure 1) to an interface box (15 in Figure 2) which communicates with a server and passes output through to a third, decidedly not handheld, electronic device (16 in Figure 2.) Because Wellner cannot anticipate claim 1, Wellner cannot anticipate claims 5-7 that depend from claim 1, since claims 5-7 include all elements of claim 1.


In summary, Knowles cannot be used as a prior art reference either under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a), and Wellner cannot be used as a prior art reference under 35 U.S.C. § 102(b). Furthermore, Wellner does not anticipate claim 1, and cannot therefore anticipate claims that depend from claim 1.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

Postcard  
1.131 Declaration  
Statements (4)  
Form PTO-1083 in duplicate  
Petition for an Extension of Time in duplicate

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